

REMARKS

Claims 44-48 are pending. Claims 1-43 are withdrawn from consideration pursuant to 37 CFR 1.142(b) as being drawn to a non-elected invention. Claims 44-48 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Published Patent Application No. 2003/0051236 (the "'236 reference").

Applicant respectfully submits that the Section 102 rejection is deficient. The Office asserts that the '236 reference anticipates the claimed subject matter. "Federal Circuit decisions repeatedly emphasize that anticipation is established only if (1) all the elements of an invention, as stated in a patent claim, (2) are identically set forth (3) in a single prior art reference." *Chisum on Patents*, § 3.02(1)(b). With due respect, it appears that the Office has cherry-picked the '236 reference to find portions of the reference where "a hub" or other words or elements from Applicant's claims might be found, but the reference clearly does not teach the subject matter as claimed, with the elements having the relationships set forth in the claims. In addition, the reference does not meet the requirement that the elements in the reference be as identically set forth in the claim.

The first section of the '236 reference cited by the Office is paragraph 977. This paragraph reads, in relevant part, "Integration with the network devices (load balancers, switches, routers, network adapters, hubs) provides a connection between application and data packet handling." Then the Office cites paragraph 856, which indicates that the "PAM (process asset adapter method/process) uses the time stamp" The Office asserts that these cited sections teach "A data storage device for housing data from functional areas of an enterprise, the data storage device comprising at least two hubs, wherein each of the at least two hubs includes a primary key, a stamp indicating the loading time of the primary key in the hub, and a record source indicating the source of the primary key."

Applicant has claimed a "data storage device." As the language cited by the Office indicates, the "hubs" referred to in the '236 reference provide a connection, not data storage. For the Examiner's reference, pages 12-14 of the application discuss hubs. The Applicant has claimed that the data storage device includes two hubs, where each hub has "a primary key, a stamp indicating the loading of the

primary key in the hub, and a record source indicating the source of the primary key.” The ’236 reference teaches that a “process asset adapter method/process” uses a time stamp. Whatever a “process asset adapter method/process” is, Applicant has no reason to believe that it is a data storage device or a hub or that the ’236 reference teaches or suggests that each hub in a data storage device include “a primary key, a stamp indicating the loading of the primary key in the hub, and a record source indicating the source of the primary key.” Further, to the extent that the ’236 reference teaches that a “process asset adapter method/process” should have a time stamp, the reference teaches away from a hub having a time stamp.

Applicant notes that the rejection proposed by the Office fails to address the language in claim 44 regarding the “stamp” indicating “the loading of the primary key in the hub” or that the hub also include “a record source indicating the source of the primary key.”

The next section cited by the Office is page 71. Page 71 includes the claims of the ’236 reference. The Office asserts that page 71 discloses “two satellites, wherein each of the at least two satellites is coupled . . . [in] a parent child relationship” The word “satellite” does not appear on page 71. In fact, a text search of the electronic version of the ’236 reference by the Applicant failed to uncover the word “satellite.” It is unclear to the Applicant what disclosure on page 71 the Office believes corresponds to the claimed subject matter. Thus, Applicant requests further explanation of the purported correspondence of page 71 to the claims or withdrawal of this aspect of the rejection. Applicant notes that the basis of the claimed “satellites” is provided, at a minimum, on pages 12-14 of the Applicant’s application.

The next cited section is paragraph 799. This paragraph indicates that a table may have primary and foreign keys and that tables may be dependent on one another. Applicant uses primary and foreign keys, but in a different manner. Primary and foreign keys relationships are data modeling elements used in the entity-relationship data representation or architecture. Applicant uses primary and foreign key elements in a different structure than the structure of the entity-relationship architecture, and the ’236 reference does not specify that the structure or architecture of the tables referred in paragraph 799 is the structure or architecture claimed by the Applicant.

The next cited section is paragraph 685. This paragraph indicates that

In one preferred embodiment, the dependency descriptor includes one or more EIS [enterprise information system] server dependency descriptors. These EIS server dependencies may include one or more of the following: EIS database management systems (DBMS), EIS servers, EIS application servers, EIS Web application servers, one or more business applications, and one or more accounting application[s]. The EIS server dependencies also may include one or more of the following: one or more Oracle DBMS, one or more Sybase DBMS, and one or more DB2 DBMS

The Office asserts that the cited paragraph teaches determining which business rules are to be applied. Applicant respectfully submits that the clear language indicates that the EIS server disclosed in the '236 application may include application or database management software. Applicant notes that it has claimed a data storage device having "at least two satellites . . . wherein each satellite includes a stamp indicating the loading time of data in the satellite and a business function." Applicant respectfully submits that the cited section of the '236 references teaches nothing more than what is widely known, a server may have application or database management software loaded on it. Applicant does not see how this teaching correlates to the claimed subject matter or that it teaches or suggests that the claimed satellites include "a stamp indicating the loading time of data in the satellite and a business function."

As noted, anticipation requires that a single reference teach the subject matter as claimed by the Applicant.

Claim 44 reads as follows

A data storage device for housing data from functional areas of an enterprise, the data storage device comprising:

at least two hubs, wherein each of the at least two hubs includes a primary key, a stamp indicating the loading time of the primary key in the hub, and a record source indicating the source of the primary key;

at least two satellites, wherein each of the at least two satellites is coupled to at least one of the at least two hubs in a parent-child relationship, further wherein each satellite includes a stamp indicating the loading time of data in the satellite and a business function;

a link to provide a one-to-many relationship between two of the at least two hubs; and

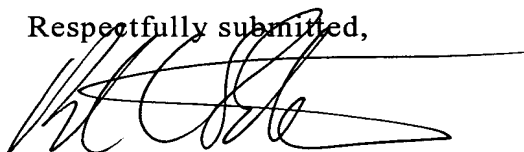
a detail table coupled to at least one of the at least two hubs, wherein the detail table includes attributes of the data from the functional areas of the enterprise.

Among other things, the cited reference fails to teach or suggest hubs in a data storage device, hubs having a "record source indicating the source of the primary key," two satellites where each of "the at least two satellites is coupled to at least one of the . . . two hubs," a link to "provide a one-to-many relationship between two . . . hubs," and a detail table, where the detail table "includes attributes of the data from the functional areas of the enterprise."

CONCLUSION

In view of the foregoing, entry of this paper and allowance of claims 44-48 are respectfully requested. The undersigned is available for telephone consultation during normal business hours at (414) 271-6560.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Derek C. Stettner', with a long horizontal line extending to the right.

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